

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

v.

CA No. 05-013 (GMS)

RAPHEL WILLIAMS, ETAL.



MOTION TO DISMISS THE COMPLAINT
FILED AGAINST THE DEFENDANTS
NAMED HEREIN WITHOUT PREJUDICE

COMES NOW, THE PLAINTIFF JIMMIE LEWIS, PRO-SE
PETITION TO THIS HONORABLE COURT FOR AN ORDER
GRANTING THIS MOTION TO DISMISS THE COMPLAINT FILED
AGAINST THE DEFENDANTS NAMED HEREIN WITHOUT
PREJUDICE, AND PRESENTS THE FOLLOWING IN SUPPORT:

1. THE FOLLOWING DEFENDANTS ARE NOT NAMED AS
DEFENDANTS IN THE PLAINTIFFS AMENDED COMPLAINT
DATED 7/18/2006.
- 2.) DEFENDANT TO BE DISMISSED: FIRST CORR.MEDICAL
CAPT. JEFFERSON, SGT. MEDFORD, C/O D. CARLOCK,
C/O MASE, LT. POLK, DONALD NAPOLIN, LT. SINGH,
NURSE JEROMY, APRIL LYONNS, DR. ARUMBURU.

DATE: 8/24/06

Jimmie Lewis
BEI# 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dallo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

August 22, 2006

TO: Jimmie Lewis
SBI#506622
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: U.S. Marshal 285 Forms
Civil Action #05-13 (GMS)

Dear Mr. Lewis:

Please be advised that the Clerk's Office has received all requested service copies in the above mentioned case. Per the Order dated 3/6/06 (DI 26), you are still required to submit USM 285 forms for the following defendants: First Correctional Medical, Captain Jefferson, Sgt. Medford, C/O D. Carlock, C/O Mase, Lt. Polk, Donald Napolin, Capt. Berggrun, Nurse Jeromy, April Lyonns, Dr. Arumburo and Lt. Singh. You will be given 30 days from the date of this letter to submit the above requested USM 285 forms.

Your complaint along with the U.S. Marshal 285 forms will be forwarded to the U.S. Marshal upon receipt of the USM 285 forms for service in accordance with the Court's orders. Nothing contained in this letter is intended to express an opinion as to the merits of any claims which you may be alleging.

Sincerely,

/bad

PETER T. DALLEO
CLERK

cc: The Honorable Gregory M. Sleet
Pro Se Law Clerk

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE(1) JIMMIE LEWIS, SBI #506622
(Name of Plaintiff) (Inmate Number)D.E.C., 1181 PADDOCK RD, SMYRNA, DE 19977
(Complete Address with zip code)(2) _____
(Name of Plaintiff) (Inmate Number)CA. NO. 05-013 (GMS)(Case Number)
(to be assigned by U.S. District Court)_____
(Complete Address with zip code)(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) RAPHEL WILLIAMS, ET AL,(2) SEE ATTACHED PAGE FOR(3) NAME OF DEFENDANTS CITED
(Names of Defendants)(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

CIVIL COMPLAINT

• • Jury Trial Requested

YES

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

<u>04-1350 (GMS)</u>	<u>2004</u>
<u>05-051 (GMS)</u>	<u>2005</u>
<u>05-052 (GMS)</u>	<u>2005</u>
<u>04-1410 (GMS)</u>	<u>2004</u>
_____	_____
_____	_____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,
PLAINTIFF,

V.

CA. NO. 05-013 (GMS)

RAPHEL WILLIAMS,
STANLEY TAYLOR, MARK EMIG,
DAVID BAMFORD, PHILLIP PARKER,
DAVE WILLIAMS, JOSEPH SABATO,
CAPT BERGGRUN, PATRICK SHEETS,
SYLVIA FOSTER, LT. MITCHELL, % WAYMAN,
LT. CITUDZIK, FRED WAY, SGT C. RICHARDS,
SGT LEWIS, SGT KENNEDY, ARRON GOINES,
ART DAVIS, SGT CHAPEL, CPL HARRIFORD,
% CUMBERBACK, % PRESLEY, NANETTE BORDLEY,
CORRIE JOHNSON, % TALENTI, % MS. NEWMAN,
MARK BLUE, BRANDFORD APA, TAMIKO CHAFFER,
V. WILLIAMS, MARK CANNON, G. INCE, % GASSNER,
D. YOUNG, MACK REYNOLDS, % HARDGRAVE,
% RODRIGUEZ, DR. ROGERS, DR. JOSHI, DR. ALI,
P.A FISH, DEBRA MUSKARELI, DIANE HERNANDEZ,
THOMAS L. CARROL, GEORGIA SUTTON,

DEFENDANTS.

JS 44 (Rev. 3-99)

CIVIL COVER SHEET

CA NO. 05-013 (GMS)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff ESSEX CO. NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed NEWCASTLE CO. DE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- G 1 U.S. Government Plaintiff
G 2 U.S. Government Defendant
G 3 Federal Question (U.S. Government Not a Party)
☒ G 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State G 1 ☒ DEF 1 Incorporated or Principal Place of Business In This State G 4 DEF 4
Citizen of Another State ☒ G 2 Incorporated and Principal Place of Business In Another State G 5 G 5
Citizen or Subject of a Foreign Country G 3 G 3 Foreign Nation G 6 G 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
G 110 Insurance G 120 Marine G 130 Miller Act G 140 Negotiable Instrument G 150 Recovery of Overpayment & Enforcement of Judgment G 151 Medicare Act G 152 Recovery of Defaulted Student Loans (Excl. Veterans) G 153 Recovery of Overpayment of Veteran's Benefits G 160 Stockholders' Suits G 190 Other Contract G 195 Contract Product Liability	PERSONAL INJURY G 310 Airplane G 315 Airplane Product Liability G 320 Assault, Libel & Slander G 330 Federal Employers' Liability G 340 Marine G 345 Marine Product Liability G 350 Motor Vehicle G 355 Motor Vehicle Product Liability G 360 Other Personal Injury	PERSONAL INJURY G 362 Personal Injury—Med. Malpractice G 365 Personal Injury—Product Liability G 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY G 370 Other Fraud G 371 Truth in Lending G 380 Other Personal Property Damage G 385 Property Damage Product Liability	G 610 Agriculture G 620 Other Food & Drug G 625 Drug Related Seizure of Property 21 USC G 630 Liquor Laws G 640 R.R. & Truck G 650 Airline Regs. G 660 Occupational Safety/Health G 690 Other LABOR G 710 Fair Labor Standards Act G 720 Labor/Mgmt. Relations G 730 Labor/Mgmt. Reporting & Disclosure Act G 740 Railway Labor Act G 790 Other Labor Litigation G 791 Empl. Ret. Inc. Security Act	G 422 Appeal 28 USC 158 G 423 Withdrawal 28 USC 157 PROPERTY RIGHTS G 820 Copyrights G 830 Patent G 840 Trademark SOCIAL SECURITY G 861 HIA (1395ff) G 862 Black Lung (923) G 863 DIWC/DIWW (405(g)) G 864 SSID Title XVI G 865 RSI (405(g)) FEDERAL TAX SUITS G 870 Taxes (U.S. Plaintiff or Defendant) G 871 IRS—Third Party 26 USC 7609
REAL PROPERTY G 210 Land Condemnation G 220 Foreclosure G 230 Rent Lease & Ejectment G 240 Torts to Land G 245 Tort Product Liability G 290 All Other Real Property	CIVIL RIGHTS G 441 Voting G 442 Employment G 443 Housing/Accommodations G 444 Welfare G 440 Other Civil Rights	PRISONER PETITIONS G 510 Motions to Vacate Sentence Habeas Corpus: G 530 General G 535 Death Penalty G 540 Mandamus & Other G 550 Civil Rights <input checked="" type="checkbox"/> G 555 Prison Condition		G 400 State Reapportionment G 410 Antitrust G 430 Banks and Banking G 450 Commerce/TCC Rates/etc. G 460 Deportation G 470 Racketeer Influenced and Corrupt Organizations G 810 Selective Service G 850 Securities/Commodities/Exchange G 875 Customer Challenge 12 USC 3410 G 891 Agricultural Acts G 892 Economic Stabilization Act G 893 Environmental Matters G 894 Energy Allocation Act G 895 Freedom of Information Act G 900 Appeal of Fee Determination Under Equal Access to Justice G 950 Constitutionality of State Statutes G 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ G 1 Original Proceeding G 2 Removed from State Court G 3 Remanded from Appellate Court G 4 Reinstated or Reopened G 5 Transferred from another district (specify) G 6 Multidistrict Litigation G 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. § 1332

VII. REQUESTED IN COMPLAINT:

G CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

40,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: G Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7/18/2006

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IM Jimmie Lewis
SBI# 5066622 UNIT BLD 23, DU-2
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

U.S.M.S.
X-RAY



CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KINGS ST, LOCKBOX 18
WILMINGTON, DELAWARE
19801